

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Daniel Joseph Rice,

File No. 21-cv-2686 (ECT/DTS)

Plaintiff,

v.

**ORDER**

Barb Pasansen, *Management Analyst Supervisor*; Shelly Schraut, *Minnesota Department of Corrections Detainer Administration Unit*; and Lynn Sadler, *Records: MCF-Faribault Prison*, each individually and in their official capacities,

Defendants.

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On January 7, 2022, Plaintiff Daniel Joseph Rice was ordered to pay an initial partial filing fee within twenty days, or this action would be dismissed for failure to prosecute. ECF No. 4. Rice failed to meet his deadline to pay the initial partial filing fee and, in a Report and Recommendation issued on February 7, Magistrate Judge David T. Schultz recommended dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b). ECF No. 5.

One week later, Rice's partial filing fee was deposited with the Court's registry, ECF No. 8, and Rice filed objections to the Report and Recommendation in which he asks that his late filing fee be accepted for excusable neglect under Fed. R. Civ. P. 6(b)(1)(B), ECF No. 7. Rice attributes his untimeliness to delays by his facility's "mailroom and finance department," which he says "are behind on getting checks and mail sent" due to staffing shortages. ECF No. 7 at 1.

Rice's submissions seem to show that he had inquired about transferring the initial partial filing fee from his account by January 27. *See* ECF No. 7-1. Rice seems to have shown excusable neglect. Regardless, now that his initial partial filing fee is paid, allowing him to proceed with this action is a more efficient expenditure of court resources than a without-prejudice dismissal of his claims (that likely would prompt the filing of a subsequent case).

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Court declines to accept the Report and Recommendation [ECF No. 5].
2. Plaintiff Daniel Joseph Rice's untimely motion for an extension to pay the initial partial filing fee [ECF No. 7] is **GRANTED**.

Dated: March 1, 2022

s/ Eric C. Tostrud  
Eric C. Tostrud  
United States District Court